

OUTCOME

GOAL 3.2 - FOSTER EQUAL OPPORTUNITY WORKPLACES

Overview

DOL is committed to fostering workplaces that guarantee equal opportunities and fairness to all working Americans. The Department monitors compliance by recipients of DOL financial assistance with laws such as the Civil Rights Act and the Americans with Disabilities Act, and assures that minorities, women, individuals with disabilities, and veterans are afforded an equal opportunity by Federal contractors to compete for employment and receive equal pay. More than 25 percent of the labor force in America, 26 million workers, work for Federal contractors or subcontractors subject to the laws administered by the Department of Labor. A majority of the American labor force is also eligible to receive services or benefits from recipients who receive financial assistance from DOL. Those recipients are also subject to many of the laws enforced and administered by DOL.

Serving the Public

The requirement that government contractors refrain from discriminating in employment has been an established part of Federal contracting policy since 1941, when President Roosevelt signed the original Executive Order 8802, and continues today. Similarly, recipients of federal financial assistance are required to refrain from discriminating in providing services or benefits under a number of nondiscrimination laws such as Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973 and various enabling statutes administered by the Department of Labor, such as the Workforce Investment Act.

The underlying principle of these laws is that Federal tax dollars may not be used to perpetuate discrimination in the workplace or in the availability of program services. The DOL Employment Standards Administration (ESA) enforces regulations requiring Federal contractors to develop affirmative action programs and to take action to eliminate discrimination from the workplace. The Office of the Assistant Secretary for Administration and Management (OASAM) administers the laws and regulations requiring recipients of DOL financial assistance to provide services and benefits in a non-discriminatory manner.

- ESA has the responsibility of assuring that employers doing business with the Federal Government comply with the equal employment opportunity (EEO) and affirmative action provisions of their contracts. ESA also administers several EEO programs, and shares enforcement authority for the regulations requiring EEO and affirmative action in apprenticeship programs; Title I of the Americans with Disabilities Act; and the Immigration Reform and Control Act.
- OASAM assures compliance with civil rights laws that apply to recipients of DOL financial assistance. One strategy used is to educate and provide technical assistance to the States to promote voluntary compliance with applicable non-discrimination laws.

Challenges

With the increase of new, advanced, and more affordable technology for assisting persons with disabilities, the Department has an important challenge to ensure that employers as well as programs and agencies preparing adults and youth for employment, provide the necessary accommodations to support persons with disabilities in their efforts to join the workforce.

FAIR AND EQUITABLE FEDERAL CONTRACTOR WORKPLACES

Goal 3.2A: Increase by 5 percent (over the FY 1999 performance) the number of Federal contractors brought into compliance with the EEO provisions of Federal contracts via ESA's compliance evaluation procedures.

Results: The goal was fully achieved. The Department brought 3,353 contractors into compliance, an increase of 27 percent over FY 1999 performance.

Program Description: DOL's Employment Standards Administration is responsible for administering equal employment opportunity (EEO) laws and regulations that apply to Federal contractors and subcontractors. These laws provide protections for employees and applicants on the basis of their race, color, sex, religion, national origin, disability, or status as a protected veteran. DOL monitors compliance with these laws and regulations through compliance evaluations and complaint investigations.

Analysis of Results and Strategies: The Department brought 3,353 contractors into compliance this year, exceeding its FY 2000 goal by 20 percent.

The major factor contributing to goal achievement was the Department's commitment of additional staff, including management, to early intervention strategies aimed at resolving compliance evaluations and complaint investigations that revealed major systemic discrimination and/or compensation issues.

Goal Assessment: Although DOL was successful in meeting this goal,

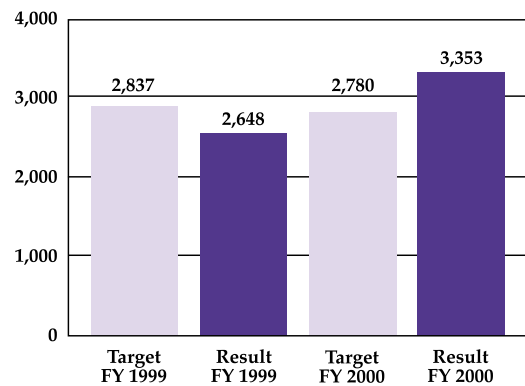
revisions to the goal have been made for FY 2001 to more comprehensively measure the Department's mission and the effectiveness of our efforts in the EEO arena.

DOL's new goal is "Federal contractors and subcontractors achieve equal opportunity workplaces." The goal targets DOL's results in the areas of:

- Improving the EEO performance of federal contractors and subcontractors within industries where data indicate the likelihood of equal employment opportunity problems is greatest;
- Improving the EEO performance of federal contractors and subcontractors that have had prior contact with ESA through evaluations, outreach, or technical assistance; and
- Reducing compensation discrimination by federal contractors and subcontractors.

DOL expects to establish baselines for these new performance measures by the end of FY 2001. ■

Federal Contractors and Subcontractors Brought into Compliance



A major airline company paid nearly \$1.7 million to 99 people with disabilities in two U.S. cities to resolve DOL's Employment Standards Administration's (ESA) allegations that those people were being unfairly excluded from positions as ticket agents, mechanics, and fleet service clerks (who handle baggage, clean airplanes, and guide planes to and from gates). The airline had used a system for screening applicants that adversely affected those with medical conditions such as abnormal blood pressure, vision and hearing impairments, and asthma. ESA medical experts examined each of the 99 applicants and found that all could have safely performed the jobs for which they had applied.

MEASURING EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Goal 3.2B: To increase compliance with the equal employment opportunity requirements among Federal contractors, establish a methodology by the end of FY 2000 to measure the effectiveness of ESA's education, technical assistance, and outreach efforts.

Goal 3.2C: To narrow the wage gap for protected groups within the Federal contractor reporting community, establish a methodology by the end of FY 2000 to identify wage disparities.

Results: Both of these goals were fully achieved. Methodologies have been established for measuring these program dimensions and are ready to be utilized in the Department's FY 2001 plan.

Program Description: DOL's Employment Standards Administration (ESA) is responsible for administering and enforcing equal employment opportunity (EEO) laws and regulations that apply to Federal contractors and subcontractors. These laws provide protections for employees and applicants on the basis

of their race, color, sex, religion, national origin, disability, or status as a protected veteran. DOL monitors compliance with these laws and regulations through compliance evaluations and complaint investigations.

Analysis of Results: In addition to establishing a methodology during FY 2000 for the above goals, the agency focused much attention and effort on a comprehensive revision of its strategic and performance goals for this program responsibility, including the establishment of new outcome measures.

Goal Assessment: For FY 2001, the results of the Department's initiatives to narrow the wage gap for protected groups employed by Federal contractors and subcontractors, and the effectiveness of DOL's education, technical assistance, and outreach efforts, are not expressed as stand-alone goals. Instead, results in these areas are incorporated as indicators of performance under ESA's FY 2001 goal that Federal contractors achieve equal opportunity workplaces. Work on establishing baseline data and reporting processes for these performance indicators is planned for completion by the end of FY 2001. ■

A large banking concern with over 1,000 employees at its east coast corporate headquarters is a federal depository and issues U.S. savings bonds. As such, it is subject to oversight by DOL's Employment Standards Administration, which conducted a "glass ceiling" review, with the bank's cooperation. As a result, the bank will pay \$375,000 in wage and salary adjustments to 31 women in managerial and professional positions. These glass-ceiling reviews are part of DOL's equal pay initiative that focus on two "panes" in corporate America. The first restricts women from competing fairly for all jobs, especially executive positions. The second is harder to crack—the barrier of disparate pay. Women executives routinely earn less than their male counterparts. At this bank, that barrier has been smashed, and the bank reviews its compensation system semi-annually to identify any salary inequities and correct them.